

CALENDAR ITEM

C18

A 11

10/13/16

S 7

PRC 1546.1

V. Caldwell

CORRECTION TO PRIOR AUTHORIZATION FOR REVISION OF RENT

LESSEE:

2101-2603 Wilbur LLC

LEASE:

AREA, LAND TYPE, AND LOCATION:

11.88 acres, more or less, of filled and unfilled sovereign lands in the San Joaquin River, adjacent to 2301 Wilbur Road, near the city of Antioch, Contra Costa County.

AUTHORIZED USE:

Continued use and maintenance of a non-operational industrial pier, two five-pile dolphins, a maintenance pier, water intake pipeline, electrical substation, storm water outfall, instrumentation shed, three day beacons, and surge basin.

LEASE TERM:

14 years, beginning August 9, 2008.

CONSIDERATION:

\$140,075 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$5,000,000 per occurrence.

Bond:

\$500,000

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C18** (CONT'D)

Background:

On August 9, 2016, the Commission authorized the rescission of a previous approval, and authorized the assignment and amendment of the lease, and revision of rent and surety ([Calendar Item C14, August 9, 2016](#)). Staff is requesting the previously authorized effective date of August 9, 2008, which is actually the effective date of the lease, be revised to August 9, 2016, the intended effective date of the revision of rent for which the Lessee received proper notice.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore; and Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Approving the correction of authorization for the revision of rent is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15378, subdivision (b)(5).

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

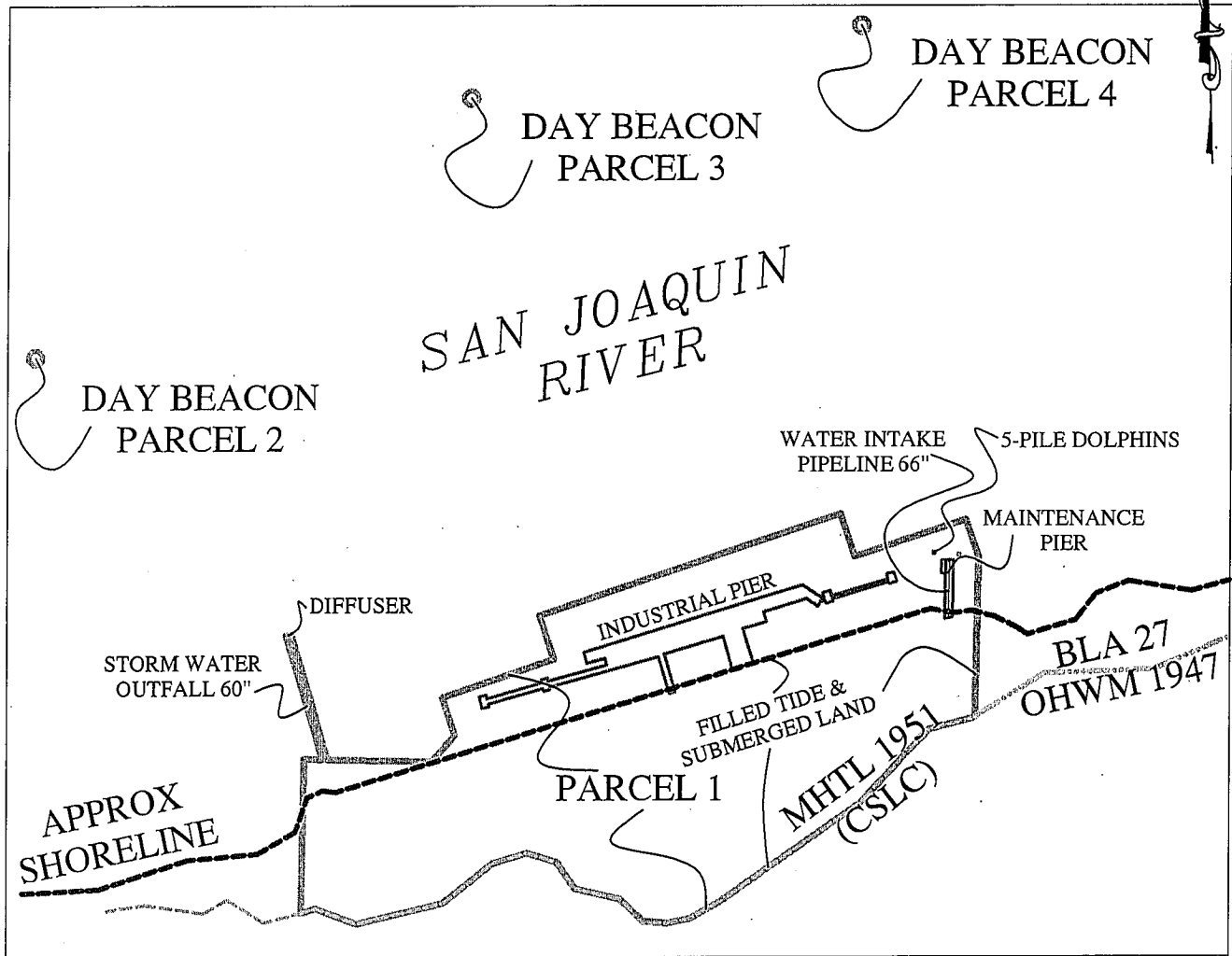
It is recommended that the Commission:

AUTHORIZATION:

Authorize the correction of the revision of rent effective date for Lease No. PRC 1546.1 from August 9, 2008, to August 9, 2016; all other terms and conditions of the prior authorization and lease to remain in effect without change.

NO SCALE

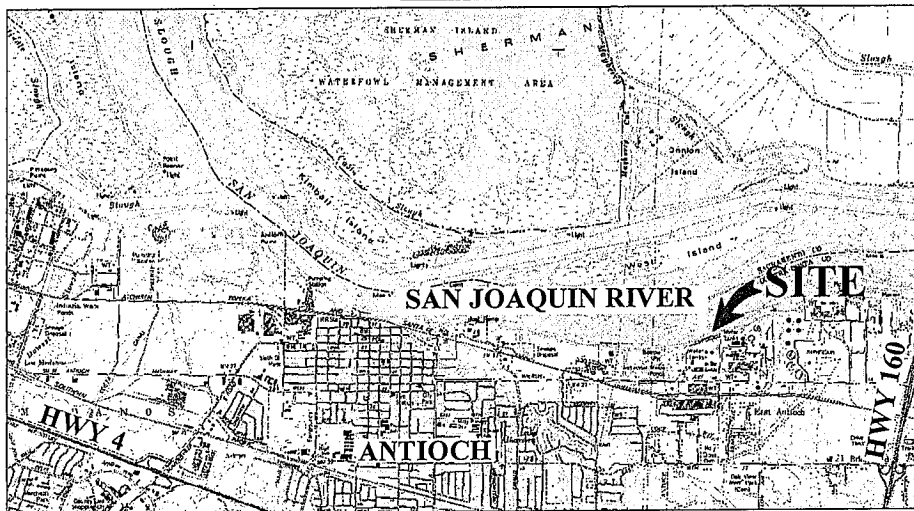
SITE



2301 Wilbur Avenue, Antioch

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 1546.1

APN 051-020-006,012

2101-2603 WILBUR ROAD LLC.

GENERAL LEASE -

INDUSTRIAL USE

CONTRA COSTA COUNTY



MJF 5/06/16

EXHIBIT B

PRC 1546

LAND DESCRIPTION

Four parcels of tide and/or submerged in the bed of the San Joaquin River situate in Contra Costa County, California, more particularly described as follows:

PARCEL 1

A parcel of tide and submerged land in the San Joaquin River approximately one mile west of the Antioch Lift Bridge and two miles east of the City of Antioch, Contra Costa County, California, more particularly described as follows:

BEGINNING at a point on the southerly bank of the San Joaquin River, said point being the westerly terminus of that certain boundary line agreement recorded in Liber 1193, page 189, Official Records, Contra Costa County, from which the corner common to Sections 16, 17, 20 and 21, T2N, R2E, MDM, bears S 45°20'53" E, 1,835.72 feet; thence along the following 31 courses:

- | | | |
|-----|---------------|---|
| 1. | S 58°06'15" W | 4.09 feet; |
| 2. | S 75°25'00" W | 78.48 feet; |
| 3. | S 42°57'46" W | 179.01 feet; |
| 4. | S 54°54'46" W | 295.74 feet; |
| 5. | S 60°35'34" W | 63.13 feet; |
| 6. | S 77°54'19" W | 42.95 feet; |
| 7. | N 84°41'08" W | 43.19 feet; |
| 8. | N 46°25'56" W | 56.59 feet; |
| 9. | N 77°09'51" W | 81.02 feet; |
| 10. | N 35°04'25" W | 57.43 feet; |
| 11. | N 72°53'50" W | 54.41 feet; |
| 12. | S 73°33'34" W | 63.60 feet; |
| 13. | S 51°48'51" W | 113.23 feet; |
| 14. | S 76°40'32" W | 156.20 feet; |
| 15. | N 69°26'38" W | 76.90 feet; |
| 16. | S 74°57'13" W | 28.68 feet; |
| 17. | N 01°06'16" E | 270.00 feet; |
| 18. | S 88°53'42" E | 33.27 feet; |
| 19. | N 17°05'24" W | 226.89 feet; |
| 20. | N 72°54'36" E | 10.00 feet; |
| 21. | S 17°05'24" E | 230.17 feet; |
| 22. | S 88°53'42" E | 182.63 feet; |
| 23. | N 41°05'19" E | 60.86 feet; |
| 24. | N 18°41'01" W | 70.00 feet; |
| 25. | N 71°18'59" E | 210.00 feet; |
| 26. | N 18°41'01" W | 80.00 feet; |
| 27. | N 71°18'59" E | 560.00 feet; |
| 28. | S 18°41'01" E | 80.00 feet; |
| 29. | N 71°18'59" E | 205.23 feet; |
| 30. | S 18°41'01" E | 70.00 feet; |
| 31. | S 01°05'01" W | 280.56 feet to the TRUE POINT OF BEGINNING. |

PARCEL 2 (Day Beacon #3)

A circular parcel of submerged land in the bed of San Joaquin River having a radius of 14 feet and the radius point of said parcel having a CCS 27, Zone 3 coordinates of $N(y) = 555034.64$, $E(x) = 1631697.87$

PARCEL 3 (Day Beacon #5)

A circular parcel of submerged land in the bed of San Joaquin River having a radius of 14 feet and the radius point of said parcel having CCS 27, Zone 3 coordinates of $N(y) = 555497.54$, $E(x) = 1632482.33$

PARCEL 4 (Day Beacon #7)

A circular parcel of submerged land in the bed of San Joaquin River having a radius of 14 feet and the radius point of said parcel having CCS 27, Zone 3 coordinates of $N(y) = 555630.90$, $E(x) = 1633181.44$

END OF DESCRIPTION

